

Amendments to the Claims:

This listing of Claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (currently amended)

~~An image capturing method for capturing negative out of focus, said method comprising~~[[es]]:

- (a) providing a topic object and a background object;
- (b) capturing and storing a first ~~image~~photo, according to a first distance in focus to said background object, wherein said first ~~image~~photo includes said topic object and said background object, ~~wherein~~ said first distance in focus corresponds to an exposure value and a first depth of field;
- (c) acquiring a second distance in focus, wherein said second distance in focus corresponds to said exposure value and a second depth of field, and said second depth of field ~~relative to said second distance in focus~~ overlaps a partpartial portion of said first depth of field ~~relative to said first distance in focus~~;
- (d) capturing and storing a second ~~image~~photo, according to said second distance in focus, said second photo includes said topic object and said background object; and
- (e) replacing said first distance in focus with said second distance in focus, and repeating step (c) and step (d) till said topic object being within said second depth of field ~~relative to said second distance in focus~~.

Claim 2 (currently amended)

The image capturing method according to claim 1, wherein said first depth of field is calculated from said first distance in focus, a first front depth of field, and a first back depth of field.

Claim 3 (currently amended)

The image capturing method according to claim 2, wherein said first front depth of field is a distance of a first near point in front of said background object.

Claim 4 (currently amended)

The image capturing method according to claim 2, wherein said first back depth field is a distance of a far point in back of said background object.

Claim 5 (currently amended)

The image capturing method according to claim 1, wherein said second depth of field is calculated from said second distance in focus, a second front depth of field, and a second back depth of field.

Claim 6 (currently amended)

The image capturing method according to claim 5, wherein said second front depth of field is a distance of a second near point in front of said background object.

Claim 7 (currently amended)

The image capturing method according to claim 5, wherein said second back depth of field is a distance of a second far point in back of said background object.

Claim 8 (currently amended)

An image capturing method for capturing in focus, said method comprising[[es]]:

providing a topic object and a background object; and

capturing and storing a plurality~~number~~ of images~~photo, said number of photos~~ corresponding to an exposure value, each one of said ~~number of images~~ includes said topic object and said background object corresponding to ~~based on~~ a distance in focus, each said distance in focus corresponding to a depth of field, wherein each said depth of field ~~relative to said corresponding distance in focus overlaps~~[[ing]] a part~~partial~~ portion of other said depth of field ~~relative to other said distance in focus, said background object is within one of said depth of field, said topic object is within one of said depth of field relative to said corresponding distance in focus.~~

Claim 9 (currently amended)

The image capturing method according to claim 8, wherein said depth of field is calculated from said depth of field corresponding to said distance in focus, a front depth of field, and a back depth of field.

Claim 10 (currently amended)

The image capturing method according to claim 9, wherein said front depth of field is a distance of a near point in front of said background object.

Claim 11 (currently amended)

The image capturing method according to claim 9, wherein said back depth of field is a distance of a far point in back of said background object.

Claim 12 (currently amended)

An image[[-]]capturing device ~~with a negative out of focus module, said image capturing device comprising:~~

an input device, for inputting an item to perform a command~~of said negative out of focus module;~~

a storage, for storing a plurality of programs for said command~~negative out of focus module;~~

a processor, ~~according to the item of said negative out of focus module and said programs, for outputting an executing command to of executing said negative out of focus module, said command comprising the step of capture and store[[ing]] a plurality number of images~~photos, said number of photos corresponding to an exposure value, each one of said number of images including a[[said]] topic object and a[[said]] background object based on a distance in focus, each said distance in focus corresponding to a depth of field, wherein each said depth of field relative to said corresponding distance in focus overlaps[[ping]] a part~~partial portion of other said depth of field relative to other said distance in focus, said topic object is within one of said depth of field relative to said corresponding distance in focus;[[.]]~~

a capturing device, for performing said executing command; and
a controller, for receiving said command and control said capturing device in accordance with said executing command.

Claim 13 (currently amended)

The image~~[-]~~capturing device ~~with a negative out of focus module~~ according to claim 12, wherein said storage~~[[.]]~~ is used for storing a plurality of readable programs capable of capturing a plurality of ~~images~~photos by said~~[[an]]~~ image-capturing device, said readable programs enabling ~~said the image-capturing device~~ executing ~~[[the]]~~steps comprising:

(a) capturing and storing a first ~~image~~photo, according to a first distance in focus to a background object, wherein said first ~~image~~photo includes a topic object and said background object, ~~wherein~~ said first distance in focus corresponds to an exposure value and a first depth of field;

(b) acquiring a second distance in focus, wherein said second distance in focus corresponds to said exposure value and a second depth of field, ~~[[and]]~~ said second depth of field ~~relative to said second distance in focus~~ overlaps a ~~part~~partial portion of said first depth of field ~~relative to said first distance in focus~~;

(c) capturing and storing a second ~~image~~photo, according to said second distance in focus, wherein said second ~~image~~photo includes said topic object and said background object; and

(d) replacing said first distance in focus with said second distance in focus, and repeating step (b) and step (c) till said topic object being within said second depth of field ~~relative to said second distance in focus~~.